

BOIES SCHILLER FLEXNER LLP

David Boies (*pro hac vice* to be filed)
 333 Main Street
 Armonk, NY 10504
 Tel: (914) 749-8200
 dboies@bsfllp.com

Mark C. Mao, SBN 236165
 Beko Reblitz-Richardson, SBN 238027
 44 Montgomery St., 41st Floor
 San Francisco, CA 94104
 Tel: (415) 293-6800
 mmao@bsfllp.com
 brichardson@bsfllp.com

James Lee (*pro hac vice* to be filed)
 100 SE 2nd St., 28th Floor
 Miami, FL 33131
 Tel: (305) 539-8400
 jlee@bsfllp.com

*Attorneys for Plaintiffs Mary Jane Whalen,
 Monica Meiloaica, and Chasom Brown,
 individually and on behalf of all others
 similarly situated*

BOIES SCHILLER FLEXNER LLP

Alison L. Anderson, SBN 275334
 Samantha Parrish, SBN 318681
 2029 Century Park East, Suite 1520
 Los Angeles, CA 90067
 Tel: (213) 629-9040
 alanderson@bsfllp.com
 sparrish@bsfllp.com

Michael Mitchell (*pro hac vice* to be filed)
 1401 New York Ave, NW
 Washington, DC 20005
 Tel: 202 237 2727
 mmitchell@bsfllp.com

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

MARY JANE WHALEN, MONICA
 MEILOAICA, and CHASOM BROWN,
 individually and on behalf of all others
 similarly situated,

Plaintiffs,

v.

EPIQ SYSTEMS, INC., ANGEION GROUP
 LLC, JND LEGAL ADMINISTRATION,
 HUNTINGTON NATIONAL BANK,
 WESTERN ALLIANCE BANK, and DOES 1-
 20,

Defendants.

Case No.: 3:25-cv-04522

**PLAINTIFFS' ADMINISTRATIVE
 MOTION TO CONSIDER WHETHER
 CASES SHOULD BE RELATED
 PURSUANT TO CIVIL L.R. 3-12 AND 7-11**

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SHOULD BE RELATED PURSUANT TO CIVIL L.R. 3-12 AND 7-11**

Pursuant to Rule 3-12 and Rule 7-11 of the Civil Local Rules, Mary Jane Whalen, Monica Meiloaica and Chasom Brown ("Plaintiffs"), individually and as representatives of classes of similarly situated persons, move the Court to consider whether a case should be related to this matter, as follows. Defendant Epiq Systems, Inc. consents to the relief requested by this motion.¹

TITLE AND CASE NUMBER OF EACH APPARENTLY RELATED CASE

Plaintiffs are parties in *Whalen et al v. Epiq Systems, Inc. et al*, Case No. 3:25-cv-04522 ("Whalen Action"), the first-filed action.

Plaintiffs move the Court to consider whether *Rieger v. Epiq Systems, Inc. et al*, Case No. 3:25-cv-04793 ("Rieger Action"), the later-filed action, should be related to the Whalen action and assigned to this Court. Attached as Exhibit A is a copy of the complaint filed in the Rieger Action.

BRIEF STATEMENT OF THE RELATIONSHIP OF THE ACTIONS

Civil Local Rule 3-12(a) provides that actions are related when: (1) they concern substantially the same parties, property, transaction, or event; and (2) it appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if these cases are conducted before different judges in this District.

The Rieger Action is related to the Whalen Action because: (a) both actions assert the same claims against substantially the same defendants; (b) both actions arise from the same underlying event, i.e., Defendants' unlawful scheme to reap hundreds of millions of dollars in undisclosed kickbacks and compensation through class administration services, depressing payouts for members of those class actions; and (c) if the Actions proceed independently of each other, it will result in unduly burdensome and duplicative motions and discovery because the

¹ All remaining Defendants either have not been served or did not respond to Plaintiffs' request for their position.

complaints raise substantially the same questions of fact and law.

Plaintiffs filed the *Whalen* Action in this District on May 28, 2025, against defendants Epiq Systems, Inc., Angeion Group LLC, JND Legal Administration, Huntington National Bank, and Western Alliance Bank.

The *Rieger* Action was later filed in this District on June 5, 2025, against the same defendants in the *Whalen* Action and one additional defendant, Kroll Settlement Administration LLC.

With near-identical language, both Actions assert the same nine claims: (1) Breach of Fiduciary Duty; (2) Fraud; (3) Sherman Act, Section 1; (4) Sherman Act, Section 1; (5) RICO; (6) RICO Conspiracy; (7) Breach of Implied Contract; (8) Unjust Enrichment/Quantum Meruit; and (9) Unfair Competition Law, Cal. Bus. & Prof. Code § 17200 *et. seq.*

Each of these claims are predicated on the same underlying event—the defendants’ covert, anticompetitive agreements to divert settlement deposits in exchange for secret kickbacks that amounted to hundreds of millions of dollars. The Actions assert that this arrangement was made despite the claims administrator defendants’ knowledge that the bank defendants pay a lower rate of interest on settlement deposits compared to other similarly situated banks that do not pay kickbacks, thereby depressing the ultimate payout for class members in the class actions. Both Actions assert the same or substantially identical factual allegations against the defendants and seek near identical relief including an order certifying a class action, injunctive and equitable relief, damages, interest, and attorneys’ fees and costs.

Given the substantially similarity between the parties, claims, and factual allegations, not only is there a high risk of directly conflicting results, but also there is a high risk of unduly burdensome duplication of labor and expense for the judiciary and the parties involved if these Actions are conducted before different Judges.

CONCLUSION

Both criteria of Civil Local Rule 3-12(a) are satisfied such that consolidation before a single judge will prevent conflicting results and conserve judicial resources and the parties’

resources. Accordingly, Plaintiffs respectfully request that this Court find the *Reiger* and *Whalen* Actions related and assign the *Reiger* Action to this Court where the first-filed *Whalen* Action is pending.

Dated: July 1, 2025

By: /s/ Mark C. Mao
Mark C. Mao

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David Boies (*pro hac vice* to be filed)
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Armonk, NY 10504
Tel: (914) 749-8200
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